

**OCT 18 2005**

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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

MUTHANNA SALEH HUSSEIN AL-  
OMAI SI,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

Nos. 04-75028

04-76254

Agency No. A79-615-062

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted October 11, 2005<sup>\*\*</sup>

Before: HALL, T.G. NELSON, and TALLMAN, Circuit Judges.

In these consolidated petitions, Muthanna Saleh Hussein Al-Omais i, a native and citizen of Yemen, seeks review of the Board of Immigration Appeals' ("BIA")

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissal of his appeal from an immigration judge's ("IJ") denial of withholding of removal (No. 04-75028) and the BIA's denial of his motion to remand based on his marriage to a United States citizen (No. 04-76254). We have jurisdiction under 8 U.S.C. § 1252. We deny both petitions for review.

We review for substantial evidence the denial of an application for withholding of removal and will reverse the agency's determination only if the evidence compels such a result. *Ochave v. INS*, 254 F.3d 859, 861-62 (9th Cir. 2001). Substantial evidence supports the agency's conclusion that the neighboring tribe's threats against Al-Omaisi and his family arose as a result of the tribe's thwarted efforts to buy his family's land and bore no nexus to a protected ground. *See id.* at 865-66.

The BIA's denial of a motion to remand is reviewed for abuse of discretion. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003). Because Al-Omaisi failed to produce clear and convincing evidence indicating his marriage was bona fide, the BIA did not abuse its discretion in denying the motion to remand. *See id.* at 994.

Al-Omaisi's remaining contentions are without merit.

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004).

**PETITIONS FOR REVIEW DENIED.**